



February 18, 2005

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## HOUSE BILL No. 1089

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DIGEST OF HB 1089 (Updated February 15, 2005 4:15 pm - DI 110)

**Citations Affected:** Noncode.

**Synopsis:** Medicaid cash and counseling waiver. Requires the office of Medicaid policy and planning to apply for a Medicaid waiver that would allow certain Medicaid eligible elderly and disabled persons to receive a cash allowance or have control of a specific budget so that they may purchase certain eligible services.

**Effective:** July 1, 2005.

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**Frizzell**

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January 6, 2005, read first time and referred to Committee on Public Health.  
February 17, 2005, reported — Do Pass.

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HB 1089—LS 6316/DI 104+



February 18, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1089

A BILL FOR AN ACT concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this  
2       SECTION, "eligible Medicaid recipient" means any of the  
3       following:

4           (1) An individual who is:

5               (A) at least sixty (60) years of age; and

6               (B) receiving services under a 1915c Medicaid waiver.

7           (2) A physically or developmentally disabled individual who  
8               is:

9               (A) at least eighteen (18) years of age but less than  
10              sixty-five (65) years of age; and

11              (B) receiving Medicaid home and community based waiver  
12              services.

13           (3) A developmentally disabled individual who is:

14               (A) at least three (3) years of age but less than eighteen (18)  
15              years of age; and

16               (B) receiving Medicaid home and community based waiver  
17              services.

18       (b) As used in this SECTION, "eligible services" means care

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HB 1089—LS 6316/DI 104+



1 received in the home or the community by an eligible Medicaid  
2 recipient that meets the recipient's long term care needs and  
3 without which the recipient would be at risk for institutional  
4 placement.

5 (c) As used in this SECTION, "office" refers to the office of  
6 Medicaid policy and planning established by IC 12-8-6-1.

7 (d) Before January 1, 2006, the office shall apply to the United  
8 States Department of Health and Human Services for approval of  
9 a waiver (commonly referred to as the cash and counseling or cash  
10 and carrying demonstration waiver) that would allow an eligible  
11 Medicaid recipient to receive a cash allowance or have control of  
12 a specific budget so that the recipient may purchase eligible  
13 services. The office may include in the waiver request a provision  
14 that would allow the office to provide an eligible Medicaid  
15 recipient with a case manager to assist the recipient by assessing  
16 the recipient's needs and establishing the recipient's budget.

17 (e) The office may not implement the waiver until the office files  
18 an affidavit with the governor attesting that the federal waiver  
19 applied for under this SECTION is in effect. The office shall file the  
20 affidavit under this subsection not later than five (5) days after the  
21 office is notified by the United States Department of Health and  
22 Human Services that the waiver is approved.

23 (f) If the office receives approval of a waiver under this  
24 SECTION from the United States Department of Health and  
25 Human Services and the governor receives the affidavit filed under  
26 subsection (e), the office shall implement the waiver not more than  
27 sixty (60) days after the governor receives the affidavit.

28 (g) The office may adopt rules under IC 4-22-2 necessary to  
29 implement this SECTION.

30 (h) This SECTION expires December 31, 2013.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BECKER, Chair

Committee Vote: yeas 11, nays 0.

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HB 1089—LS 6316/DI 104+

